

and (B) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are allocated and paid to eligible revenue sharing recipients in accordance with the requirements specified in each such subparagraph.

“(2) ALLOCATIONS AND PAYMENTS TO ELIGIBLE TRIBAL GOVERNMENTS.—For each of fiscal years 2022 and 2023, the Secretary shall reserve \$250,000,000 of the total amount appropriated under subsection (a) to allocate and pay to eligible Tribal governments in amounts that are determined by the Secretary taking into account economic conditions of each eligible Tribe.

“(3) ALLOCATIONS AND PAYMENTS TO TERRITORIES.—For each of fiscal years 2022 and 2023, the Secretary shall reserve \$7,500,000 of the total amount appropriated under subsection (a) to allocate and pay to each territory an amount which bears the same proportion to the amount reserved in this paragraph as the population of such territory bears to the total population of all such territories.

“(c) USE OF PAYMENTS.—An eligible revenue sharing recipient, an eligible Tribal government, or a territory may use funds provided under a payment made under this section for any governmental purpose other than a lobbying activity.

“(d) REPORTING REQUIREMENT.—Any eligible revenue sharing recipient, any eligible Tribal government, and any territory receiving a payment under this section shall provide to the Secretary periodic reports providing a detailed accounting of the uses of funds by such eligible revenue sharing recipient, eligible Tribal government, or territory, as applicable, and such other information as the Secretary may require for the administration of this section.

“(e) RECOUPMENT.—Any eligible revenue sharing recipient, any eligible Tribal government, or any territory that has failed to submit a report required under subsection (d) or failed to comply with subsection (c), shall be required to repay to the Secretary an amount equal to—

“(1) in the case of a failure to comply with subsection (c), the amount of funds used in violation of such subsection; and

“(2) in the case of a failure to submit a report required under subsection (d), such amount as the Secretary determines appropriate, but not to exceed 5 percent of the amount paid to the eligible revenue sharing recipient, the eligible Tribal government, or the territory under this section for all fiscal years.

“(f) DEFINITIONS.—In this section:

“(1) COUNTY.—The term ‘county’ means a county, parish, or other equivalent county division (as defined by the Bureau of the Census) in 1 of the 50 States.

“(2) COUNTY WITH LIMITED GOVERNMENT FUNCTIONS.—The term ‘county with limited government functions’ means a county in which entitlement land is located that is not an eligible revenue sharing county.

“(3) ELIGIBLE REVENUE SHARING COUNTY.—The term ‘eligible revenue sharing county’ means—

“(A) a unit of general local government (as defined in section 6901(2) of title 31, United States Code) that is a county in which entitlement land is located and which is eligible for a payment under section 6902(a) of title 31, United States Code;

“(B) the District of Columbia; or

“(C) the combined area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decennial census, but that is not included within the boundary of a unit of general local government described in subparagraph (A).

“(4) ELIGIBLE REVENUE SHARING LOCAL GOVERNMENT.—The term ‘eligible revenue shar-

ing local government’ means a unit of general local government (as defined in section 6901(2) of title 31, United States Code) in which entitlement land is located that is not a county or territory and which is eligible for a payment under section 6902(a) of title 31, United States Code.

“(5) ELIGIBLE REVENUE SHARING RECIPIENTS.—The term ‘eligible revenue sharing recipients’ means, collectively, eligible revenue sharing counties and eligible revenue sharing local governments.

“(6) ELIGIBLE TRIBAL GOVERNMENT.—The term ‘eligible Tribal government’ means the recognized governing body of an eligible Tribe.

“(7) ELIGIBLE TRIBE.—The term ‘eligible Tribe’ means any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of March 11, 2021, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

“(8) ENTITLEMENT LAND.—The term ‘entitlement land’ has the meaning given to such term in section 6901(1) of title 31, United States Code.

“(9) REVENUE SHARING COUNTY.—The term ‘revenue sharing county’ means—

“(A) an eligible revenue sharing county; or

“(B) a county with limited government functions.

“(10) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(11) TERRITORY.—The term ‘territory’ means—

“(A) the Commonwealth of Puerto Rico;

“(B) the United States Virgin Islands;

“(C) Guam;

“(D) the Commonwealth of the Northern Mariana Islands; or

“(E) American Samoa.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SA 2242. Mr. ROUNDS (for himself, Ms. SMITH, Mr. WARNOCK, Ms. LUMMIS, Ms. BALDWIN, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

SEC. 300. INCREASED FEDERAL SHARE OF OPERATING COSTS FOR CERTAIN AREAS.

Section 5311(g)(2)(B) of title 49, United States Code, is amended—

(1) in the subparagraph heading, by striking “EXCEPTION” and inserting “EXCEPTIONS”;

(2) by striking “A State” and inserting the following:

“(i) STATES WITH NONTAXABLE INDIAN LANDS OR PUBLIC DOMAIN LANDS.—Subject to clause (ii), a State”; and

(3) by adding at the end the following:

“(ii) AREAS WITH PARTICULAR NEEDS.—

“(I) DEFINITION.—In this clause, the term ‘area of persistent poverty’ means—

“(aa) any county in which not less than 20 percent of the population has lived in poverty during the most recent 30-year period, as measured by—

“(AA) the second and third most recent decennial censuses; and

“(BB) the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the Estimates are available; or

“(bb) any census tract with a poverty rate of not less than 20 percent, as measured by most recent 5-year data series available from the American Community Survey of the Bureau of the Census.

“(II) INCREASED FEDERAL SHARE.—A grant made under this section for operating assistance for a recipient or subrecipient that operates public transportation that serves an area that meets 1 or more of the criteria under subclause (III) shall be for 80 percent of the net operating costs of the project, as determined by the Secretary.

“(III) CRITERIA.—The criteria referred to in subclause (II) are that an area—

“(aa) is an area of persistent poverty;

“(bb) is a county in which not less than 25 percent of residents are age 65 or older, according to the most recent 5-year estimate of the American Community Survey of the Bureau of the Census;

“(cc) is a county that, or is a county that includes a site that—

“(AA) has been designated by the Secretary of Health and Human Services as a health professional shortage area under section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) on the basis of a primary care or mental health care shortage; and

“(BB) received a health professional shortage area score for the most recent program year, with respect to primary care or mental health care, that was not less than the lowest minimum score, as designated by the Secretary of Health and Human Services for that program year, necessary for the site to be eligible for the assignment of National Health Service Corps members providing primary care or mental health care, respectively, for fulfillment of obligated service under the National Health Service Corps Scholarship Program; or

“(dd) is a county with a population density of not more than 20 persons per square mile of land area, based on the most recent decennial census.”

SA 2243. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V of division D, insert the following:

SEC. 40543. LUKE AND ALEX SCHOOL SAFETY ACT OF 2021.

(a) SHORT TITLE.—This section may be cited as the “Luke and Alex School Safety Act of 2021”.

(b) FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.—

(1) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting after section 2215 the following:

“SEC. 2216. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Education, the Attorney General, and the Secretary of Health and Human Services, shall establish a

Federal Clearinghouse on School Safety Best Practices (in this section referred to as the 'Clearinghouse') within the Department.

“(2) PURPOSE.—The Clearinghouse shall be the primary resource of the Federal Government to identify and publish online through SchoolSafety.gov, or any successor website, the best practices and recommendations for school safety for use by State and local educational agencies, institutions of higher education, State and local law enforcement agencies, health professionals, and the general public.

“(3) PERSONNEL.—

“(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

“(B) DETAILEES.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services may detail personnel to the Clearinghouse.

“(4) EXEMPTIONS.—

“(A) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') shall not apply to any rulemaking or information collection required under this section.

“(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply for the purposes of carrying out this section.

“(b) CLEARINGHOUSE CONTENTS.—

“(1) CONSULTATION.—In identifying the best practices and recommendations for the Clearinghouse, the Secretary may consult with appropriate Federal, State, local, Tribal, private sector, and nongovernmental organizations.

“(2) CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

“(A) involve comprehensive school safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of a school upon implementation;

“(B) include any evidence or research rationale supporting the determination of the Clearinghouse that the best practice or recommendation under subparagraph (A) has been shown to have a significant effect on improving the health, safety, and welfare of persons in school settings, including—

“(i) relevant research that is evidence-based, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), supporting the best practice or recommendation;

“(ii) findings and data from previous Federal or State commissions recommending improvements to the safety posture of a school; or

“(iii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety posture of a school upon implementation; and

“(C) include information on Federal grant programs for which implementation of each best practice or recommendation is an eligible use for the program.

“(3) PAST COMMISSION RECOMMENDATIONS.—To the greatest extent practicable, the Clearinghouse shall present, as appropriate, Federal, State, local, Tribal, private sector, and nongovernmental organization issued best practices and recommendations and identify any best practice or recommendation of the Clearinghouse that was previously issued by any such organization or commission.

“(c) ASSISTANCE AND TRAINING.—The Secretary may produce and publish materials on the Clearinghouse to assist and train educational agencies and law enforcement agen-

cies on the implementation of the best practices and recommendations.

“(d) CONTINUOUS IMPROVEMENT.—The Secretary shall—

“(1) collect for the purpose of continuous improvement of the Clearinghouse—

“(A) Clearinghouse data analytics;

“(B) user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and

“(C) any evaluations conducted on implementation of the best practices and recommendations of the Clearinghouse; and

“(2) in coordination with the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General—

“(A) regularly assess and identify Clearinghouse best practices and recommendations for which there are no resources available through Federal Government programs for implementation; and

“(B) establish an external advisory board, which shall be comprised of appropriate State, local, Tribal, private sector, and nongovernmental organizations, including organizations representing parents of elementary and secondary school students, to—

“(i) provide feedback on the implementation of best practices and recommendations of the Clearinghouse; and

“(ii) propose additional recommendations for best practices for inclusion in the Clearinghouse.

“(e) PARENTAL ASSISTANCE.—The Clearinghouse shall produce materials to assist parents and legal guardians of students with identifying relevant Clearinghouse resources related to supporting the implementation of Clearinghouse best practices and recommendations.”.

(2) TECHNICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by inserting after the item relating to section 2215 the following:

“Sec. 2216. Federal Clearinghouse on School Safety Best Practices.”.

(c) NOTIFICATION OF CLEARINGHOUSE.—

(1) NOTIFICATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall provide written notification of the publication of the Federal Clearinghouse on School Safety Best Practices (referred to in this subsection and subsection (d) as the “Clearinghouse”), as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State and local educational agency; and

(B) other Department of Education partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Education.

(2) NOTIFICATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State homeland security advisor;

(B) every State department of homeland security; and

(C) other Department of Homeland Security partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Homeland Security.

(3) NOTIFICATION BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State department of public health; and

(B) other Department of Health and Human Services partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Health and Human Services.

(4) NOTIFICATION BY THE ATTORNEY GENERAL.—The Attorney General shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State department of justice; and

(B) other Department of Justice partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Attorney General.

(d) GRANT PROGRAM REVIEW.—

(1) FEDERAL GRANTS AND RESOURCES.—The Secretary of Education, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Attorney General shall each—

(A) review grant programs administered by their respective agency and identify any grant program that may be used to implement best practices and recommendations of the Clearinghouse;

(B) identify any best practices and recommendations of the Clearinghouse for which there is not a Federal grant program that may be used for the purposes of implementing the best practice or recommendation as applicable to the agency; and

(C) periodically report any findings under subparagraph (B) to the appropriate committees of Congress.

(2) STATE GRANTS AND RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

(A) each agency responsible for school safety in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse; and

(C) any resources other than grant programs that may be used to assist in implementation of best practices and recommendations of the Clearinghouse.

(e) RULES OF CONSTRUCTION.—

(1) WAIVER OF REQUIREMENTS.—Nothing in this section or the amendments made by this section shall be construed to create, satisfy, or waive any requirement under—

(A) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.);

(B) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(C) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(D) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); or

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

(2) PROHIBITION ON FEDERALLY DEVELOPED, MANDATED, OR ENDORSED CURRICULUM.—Nothing in this section or the amendments made by this section shall be construed to authorize any officer or employee of the Federal Government to engage in an activity otherwise prohibited under section 103(b) of the Department of Education Organization Act (20 U.S.C. 3403(b)).

SA 2244. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684,